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T8

Brian R Naranjo 12/10/2001 08:57:56 AM From DB/Inbox: Brian R Naranjo

Cable Text:
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TELEGRAM

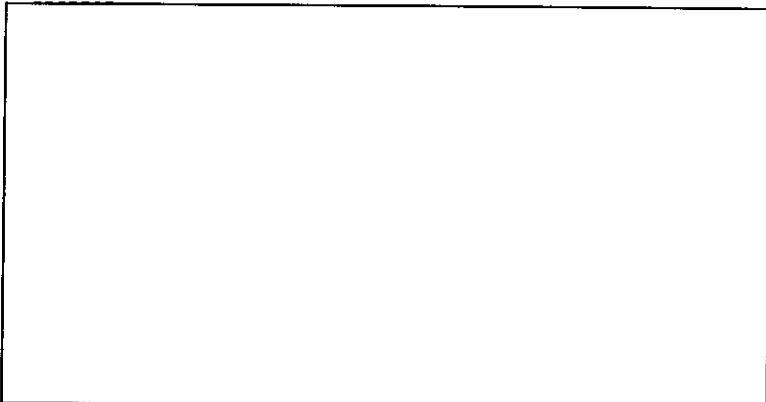
December 07, 2001

Chronis

To: SECSTATE WASHDC - IMMEDIATE
Action: MHA
From: AMEMBASSY CARACAS (CARACAS 3603 IMMEDIATE)
TAGS: PREL, PGOV, ASEC, VE
Captions: None
Subject: STATE OF EXCEPTION PRIMER
Ref: None

RELEASED IN PART
B1, 1.4(D)

CLASSIFIED BY FREDERICK B. COOK, CHARGE D'AFFAIRES.
REASONS 1.5 (B) AND (D)



B1

WHAT THE CONSTITUTION SAYS

2. (U) Article 337 of the current "Bolivarian" constitution states (our translation) that "The President of the Republic, in Council of Ministers, may decree states of exception. These are specifically defined as those circumstances of a social, economic, political or ecological nature that seriously affect the security of the nation, of the institutions and of the citizens, when normal powers are not sufficient to deal with those events. In such a case, the guarantees contained in this Constitution may temporarily be restricted, with the exception of the right to life, prohibition of incommunicado detention or torture, the right to information, and other untouchable human rights."

3. (U) Article 338 says: "A state of alarm may be decreed when catastrophes, public calamities or similar events take place which put in serious danger the security of the nation or its citizens. Such a state of exception may last up to thirty days, and can be extended for another thirty days. A state of economic emergency may be decreed when extraordinary economic events arise which seriously affect the economic life of the nation. Its period will be for sixty days, with the possibility of extension for an identical period. The state of interior or exterior disturbance may be decreed in the case of internal or external conflict that places in serious danger the security of the nation, its citizens or institutions. It

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L MILLS
DATE/CASE ID: 05 JUN 2006 200304421

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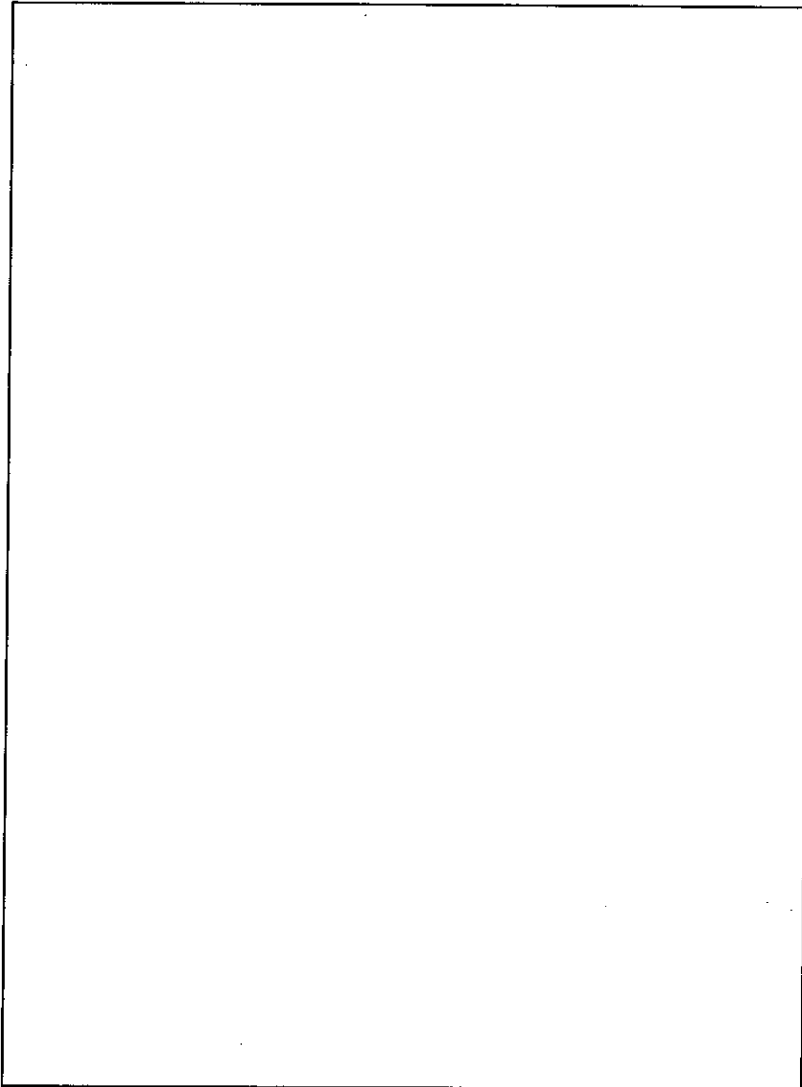
will last for up to ninety days and can be extended for an additional ninety days. The extension of states of exception is the prerogative of the National Assembly. An organic law will regulate the states of exception and will determine the matters that can be adopted on the basis of the latter.

Article 339 states: The decree which declares the state of exception in which will be regulated the exercise of the right to be restricted, will be presented presented within eight days of its proclamation to the National Assembly or to the Standing Committee [the National Assembly Committee which functions when the latter is in recess] for its consideration and approval, and to the Constitutional Chamber of the Supreme Tribunal for a pronouncement on its constitutionality. The decree must fulfill the requirements, principles and guarantees contained in the International Convention on Civil and Political Rights and the Inter American convention on Human Rights. The President of the Republic may request its extension for an identical period, and it will be revoked by the National Executive [the President] or the National Assembly or the latter's Standing Committee prior to the date of its expiration in the event that the circumstances which motivated it have ceased to exist. The declaration of the state of exception will not interrupt the functioning of the organs of Public Authority."

B1

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Cook

Additional Addressees:
None

cc:

AMEMBASSY BRASILIA
AMEMBASSY QUITO
AMEMBASSY LIMA
AMEMBASSY BOGOTA
AMEMBASSY LA PAZ

Distribution:

TRD7299
ACTION WHA-00

INFO	LOG-00	AID-00	CIAE-00	DODE-00	SRPP-00	DS-00	EB-00
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	NSAE-00	NSCH-00	OIC-02	CMB-01	PA-00	PM-00	PRS-00
	ACE-00	P-00	SP-00	SS-00	STR-00	TRSE-00	T-00

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FM AMEMBASSY CARACAS
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C O N F I D E N T I A L CARACAS 003603

USCINCSO ALSO FOR POLAD

E.O. 12958: DECL: 12/04/01
TAGS: PREL, PGOV, ASEC, VE
SUBJECT: STATE OF EXCEPTION PRIMER

End Cable Text

Brian R Naranjo 12/10/2001 08:57:56 AM From DB/Inbox: Brian R Naranjo.

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